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10/762,006	01/21/2004	Thomas K. Milo	TKMZ 2 00007	4515

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John P. Cornely, Esq.
Fay, Sharpe, Fagan, Minnich & McKee, LLP
Seventh Floor
1100 Superior Avenue
Cleveland, OH 44114-2518

EXAMINER

LUGO, CARLOS

ART UNIT PAPER NUMBER

3676

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/762,006

Applicant(s)

MILO, THOMAS K.

Examiner

Carlos Lugo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22, 24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, 12-14, 16, 20-22, 24 and 25 is/are rejected.
- 7) ☒ Claim(s) 5, 11, 15 and 17-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the groove offset from the strike plate, as claimed in claim 4, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 9 and 16 are objected to because of the following informalities:

- The current set of claims presents only claims 1-22, 24 and 25. There is no claim 23 in the current set of claims. Therefore, the examination will be based in the current claim numbering, i.e., 1-22,24 and 25.
- Claim 9 Line 1, change "claim 1 having" to -claim 1, wherein said housing cavity has-.
- Claim 16 Line 6, change "adapted attach" to -adapted to be attach-.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation that the first plurality of grooves has at least one groove offset from the strike plate.

It is unclear what the applicant is claiming as his invention since, as seen in the drawings, the strike plate 18 includes the walls that have the plurality of grooves 54,58,64 and 68 and none of the grooves are offset, or in a different side or direction, with respect to the strike plate.

In view of the above rejection, no art rejection can be applied against claim 4 because any such rejection would require undue speculation regarding the meaning of the terms and phrases used therein.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-3,6-10,12-14,16,20-22,24 and 25 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 2,013,145 to Goetz.

Regarding claim 1, Goetz discloses a strike plate housing (A) comprising a strike plate (B) and walls (10-13) depending from the strike plate defining a housing cavity.

The strike plate housing is adapted to selectively receive at least one associated insert plate (C) in the housing cavity such that the at least one insert plate is at least substantially fixed in the housing.

As to claim 2, Goetz discloses that the strike plate housing further comprises a first plurality of grooves along one of the walls (along wall 11) on a first side of the housing cavity, wherein at least one groove of the first plurality of grooves is adapted to receive at least a portion of the at least one associated insert plate (Figures 1 and 2).

As to claim 3, Goetz illustrates that the grooves making up the first plurality of grooves are substantially equally spaced from one another.

As to claim 6, Goetz discloses that the strike plate housing further includes a plurality of grooves along a wall adjacent the first side of the cavity (at where 35 and 36 are placed).

As to claim 7, Goetz discloses that the strike plate housing further comprises a "breakaway tab" (42 and 43) selectively removable from one of the walls.

As to claim 8, Goetz discloses that the strike plate housing further comprises a mounting flange (17) having an opening adapted to receive a fastener to mount the adjustable strike plate housing to an associated door jamb, and wherein the breakaway tab (42 and 43) is selectively removable from the mounting flange.

As to claim 9, Goetz discloses that the housing cavity has a depth substantially equal to the height of the associated insert plate that the strike plate housing is adapted to receive.

As to claims 10 and 12, Goetz discloses that the strike plate housing further comprises a panel (14) selectively attached to at least one of the walls depending from the strike plate, wherein the panel is spaced from the strike plate such that the panel retains a surface of the at least one associated inserted plate substantially flush with the strike surface.

As to claim 13, Goetz discloses an adjustable strike plate assembly comprising a strike plate (B) having an opening, walls (10-13) depending from the strike plate along a periphery of the opening defining a housing cavity, means for selectively

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adjusting a first dimension of the housing cavity and means for selectively adjusting a second dimension of the housing cavity.

As to claim 14, Goetz discloses that the means for selectively adjusting the first dimension of the housing cavity comprises a first insert plate (30 and 31) received in the housing cavity and selectively mounted to one of the walls.

As to claim 16, Goetz discloses an adjustable door strike assembly comprising a door strikes housing (B) including a strike plate having an opening and at least two walls (10-13) depending from the strike plate along the periphery of the opening. A first insert plate (30 and 31) adapted to mount to one of at least two walls and a second insert plate (35 and 36) adapted to be attach to the first insert plate. Each of the walls is adapted to allow the first insert plate to mount to the wall at least two predetermined locations along each of the walls (insert plates 30 and 31 are mounted to the wall at least in two predetermined locations along the wall).

As to claim 20, Goetz discloses that at least one of the insert plates includes a first surface (at 30) and a second surface (at 31) spaced from and substantially parallel with the first surface. The insert plate further includes a tab (32) extending from and substantially parallel with the first surface.

As to claim 21, Goetz discloses that the first insert plate (30 and 31) has substantially the same configuration as the second insert plate (35 and 36).

As to claim 22, Goetz discloses that the first insert plate (30 and 31) is adapted to mount at least substantially perpendicular to the second insert plate (35 and 36).

As to claim 24, Goetz discloses an adjustable strike plate assembly comprising a housing (B) defining a cavity. The housing is adapted to receive a first plurality of insert plates (30 and 31) in the cavity in a first direction and a second plurality of insert plates (35 and 36) in the cavity in a second direction substantially perpendicular to the first direction.

As to claim 25, Goetz discloses an adjustable strike plate assembly comprising a strike plate (B) defining a latch opening, at least one wall (10-13) depending from the strike plate, a panel (14) selectively attached to at least one wall spaced from the opening, and an insert plate (C) sandwiched between the strike plate and the panel. The insert plate is fixed between the panel and the strike plate.

Allowable Subject Matter

7. **Claims 5,11,15 and 17 are objected to** as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 18 and 19 are also allowed because the claims depend from claim 17.

Reasons For Allowable Subject Matter

8. The following is an examiner's statement of reasons for allowable subject matter:

Claims 5,11,15 and 17 present allowable subject matter over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the strike plate housing comprises a plurality of groove (depressions) along one of the walls on a second side opposite to the first side so that the second plurality of grooves align with the

first plurality of grooves (claim 5); that the breakaway tab includes a pin and the panel includes a pin opening to receive the pin of the tab (claim 11); that a second insert plate is received in the housing cavity and is selectively mounted to at least one of the walls and selectively received by a first insert plate (Claim 15); and that the insert plate has a plurality of tabs extending from and normal to a surface of the plate (Claim 17).

As to claim 5, Goetz fails to disclose that the strike plate housing comprises a plurality of groove (depressions) along one of the walls on a second side opposite to the first side so that the second plurality of grooves align with the first plurality of grooves. Goetz discloses that the strike plate housing comprises a plurality of grooves or depressions along one of the walls on a first side (at where 30 and 31 are placed). However, Goetz shows that the opposite side does not have a plurality of grooves that are align with the first plurality of grooves at the opposite side so that the inserting plate could be placed and secured between the two opposite sides of the strike plate housing.

As to claim 11, Goetz fails to disclose that the breakaway tab includes a pin and the panel includes a pin opening to receive the pin of the tab.

As to claim 15, Goetz fails to disclose that a second insert plate is received in the housing cavity and is selectively mounted to at least one of the walls and selectively received by a first insert plate. Goetz discloses that the second insert (35 and 36) is attached to the first insert plate, not that is received into the first insert plate.

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As to claim 17, Goetz fails to disclose that the insert plate has a plurality of tabs extending from and normal to a surface of the plate.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 703-305-9747. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.

Carlos Lugo
AU 3676

February 17, 2005.



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600